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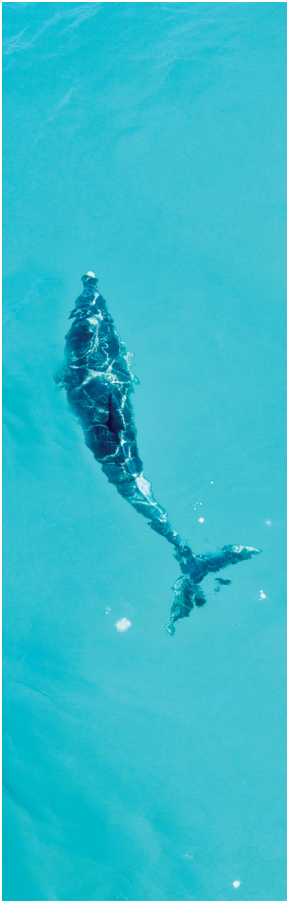
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## EQUITABLE AND EFFECTIVE AREA-BASED CONSERVATION: TOWARDS THE CONSERVED AREAS PARADIGM

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### ABSTRACT

In 2018, the Parties to the Convention on Biological Diversity (CBD) adopted a decision on protected areas and other effective area-based conservation measures (OECMs). It contains the definition of an OECM and related scientific and technical advice that has broadened the scope of governance authorities and areas that can be engaged and recognised in global conservation efforts. The voluntary guidance on OECMs and protected areas, also included in the decision, promotes the use of diverse, effective and equitable governance models, the integration of protected areas and OECMs into wider landscapes and seascapes, and mainstreaming of biodiversity conservation across sectors. Taken as a whole, the advice and voluntary guidance provides further clarity about the CBD Parties' understanding of what constitutes equitable and effective area-based conservation measures within and beyond protected areas and provides standardised criteria with which to measure and report areas' attributes and performance. This policy perspective suggests that this CBD decision represents further evidence of the evolution from the 'new paradigm for protected areas' to a broader 'conserved areas paradigm' that embodies good governance, equity and effective conservation outcomes and is inclusive of a diversity of contributions to conservation within and beyond protected areas.

**Key words:** protected areas, OECM, post-2020 framework, biodiversity, good governance, effective conservation

### INTRODUCTION

In 2010, Parties to the CBD adopted the Strategic Plan for Biodiversity 2011–2020, which contained 20 Aichi Biodiversity Targets (CBD, 2010). Target 11 called on Parties to conserve 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas by 2020 through 'well connected systems of protected areas and other effective area-based conservation measures'. This was the first reference within the CBD of the concept of 'other effective area-based conservation measures' (OECMs). Parties subsequently articulated scientific and technical advice on OECMs in 2018 and adopted the following definition:

A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values. (CBD Decision 14/8, 2018: Paragraph 2)

OECMs complement protected areas across landscapes and seascapes and – like protected areas – can be governed by diverse authorities and arrangements, including national and sub-national governments, private entities, Indigenous Peoples, local communities or through shared governance arrangements (IUCN-

WCPA, 2019). Yet, they are conceptually distinct; while a protected area must have conservation of biodiversity as its primary objective (Dudley, 2008; Lopoukhine & Dias, 2012), an OECM must achieve the effective, long-term *in situ* conservation of biodiversity even though conservation may not be a primary objective (IUCN-WCPA, 2019)<sup>1</sup>. Examples may include some sacred or cultural sites and areas managed for their ecosystem functions and services.

Parties to the CBD are currently negotiating the post-2020 global biodiversity framework, which will replace the 2011–2020 Strategic Plan (CBD, 2020). Target 2 is the new area-based conservation target within the ‘updated zero draft’ of the framework, (i.e. the successor to Aichi Target 11). The current draft of Target 2 calls on Parties to achieve the following (CBD, 2020: 5):

By 2030, protect and conserve through well connected and effective system [sic] of protected areas and other effective area-based conservation measures at least 30 per cent of the planet with the focus on areas particularly important for biodiversity.

A range of proposals have been made to inform the ongoing negotiations. Despite their differences in emphasis, there is convergence around a set of core principles, including that area-based conservation efforts should: 1) respect human rights and incorporate good governance; 2) achieve long-term conservation of biodiversity, including ecosystem functions and services; 3) prioritise intact ecosystems as well as areas that are key for the persistence of biodiversity within and beyond protected areas; and 4) uphold local and Indigenous values, knowledge, practices and institutions that are fundamental for *in situ* biodiversity conservation (Bhola et al., 2021).

This paper intends to augment these proposals and contribute to the negotiation and subsequent implementation of the post-2020 global biodiversity framework through an analysis of CBD Decision 14/8 – with a focus on good governance and conservation effectiveness. We argue that the CBD’s updated guidance and scientific and technical advice provides further clarity about the Parties’ understanding of what constitutes equitable and effective area-based conservation measures within and beyond protected areas and provides standardised criteria with which to measure and report their attributes and performance. We conclude by engaging with the term ‘conserved areas’, which remains undefined despite being referenced in CBD Decision 14/8 and other international policy documents. We propose that the term ‘conserved areas’ is potentially useful shorthand for area-based conservation that is both equitable and

effective, and propose that this issue is further discussed in an inclusive manner.

## THE CBD’S UPDATED GUIDANCE AND ADVICE ON PROTECTED AREAS AND OECMS

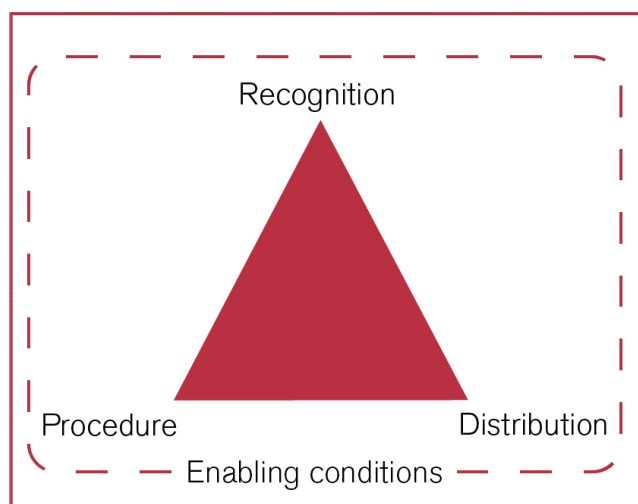
Decision 14/8 is the CBD Parties’ most comprehensive decision on area-based conservation since the adoption of the Programme of Work on Protected Areas in 2004 (PoWPA; CBD, 2004a). In addition to adopting the above definition of OECMs, four Annexes to Decision 14/8 set out voluntary guidance on protected areas and OECMs and scientific and technical advice on OECMs. These are summarised in this section.

Annex I provides voluntary guidance on the integration of protected areas and OECMs into wider landscapes and seascapes. It also calls for mainstreaming protected areas and OECMs into key sectors, including agriculture, fisheries, forestry, mining, energy, tourism and transportation. Parties are called upon to support sectoral actors to integrate protected areas and OECMs within planning for lands and waters under their management as well as respecting existing protected areas, OECMs and other territories, lands and waters governed by Indigenous Peoples, local communities and private actors in their operations.

Annex II provides voluntary guidance on effective governance models for management of protected areas, conserved areas and OECMs and sets out a number of steps for enhancing and supporting governance diversity<sup>2</sup>. It notes the particular circumstances of territories and areas under the governance of Indigenous Peoples and local communities, and calls for these steps to be taken only on the basis of free, prior and informed consent (FPIC) and based on respect for their rights, knowledge and institutions. Annex II also states that good governance principles should be applied to protected areas and OECMs. It explains that equity is one element of good governance, and sets out the three dimensions of equity, namely: recognition, procedure and distribution (Figure 1).

Annex III, which is the focus of the next section of this paper, sets out scientific and technical advice on OECMs, including criteria for identifying and reporting against international biodiversity targets.

Annex IV provides a set of considerations in achieving Aichi Biodiversity Target 11 (which was still then extant) in marine and coastal areas. Among other things, it calls for adequate monitoring and evaluation frameworks to measure whether areas are achieving effective, long-term conservation outcomes.



**Figure 1. The three dimensions of equity embedded within a set of enabling conditions** (CBD, 2018, Annex II after Franks & Schreckenberg, 2016, <http://pubs.iied.org/17344IIED>)

The integration of protected areas and OECMs into wider landscapes and seascapes (Annex I) and considerations in achieving Target 11 in marine and coastal areas (Annex IV) are important issues. However, in this paper we focus on good governance and conservation effectiveness and we therefore concentrate our analysis and commentary on Annexes II and III.

### EFFECTIVE AREA-BASED CONSERVATION MEASURES, INCLUDING CONSIDERATIONS OF EQUITY

Since 2010, when the Parties to the CBD incorporated OECMs into Target 11, the lack of a definition and criteria for OECMs hindered progress on this aspect of the Target (Jonas et al., 2014a). Annex III of CBD Decision 14/8 addresses this by setting out four criteria for identifying OECMs, namely:

- A. the area is not currently recognised as a protected area;
- B. the area is governed and managed;
- C. the area achieves sustained and effective contribution to *in situ* conservation of biodiversity; and
- D. associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values are respected, upheld and supported (CBD, 2018: 12–13).

These four criteria are further articulated through 10 sub-criteria and 26 indicators (set out in Section B, Annex III, Decision 14/8). The criteria and related guidance enable the identification and recognition of

OECMs ‘in a flexible way and on a case-by-case basis’ (CBD, 2018: 10). This represents important progress towards promoting more inclusive and diverse approaches to achieve the long-term *in situ* conservation of biodiversity (Jonas et al., 2018; IUCN-WCPA, 2019).

CBD Decision 14/8 also produced an outcome that has yet to be fully appreciated by Parties, rightsholders and stakeholders. Because the criteria and guidance can be disaggregated and understood as individual elements, by defining and setting out criteria for other effective area-based conservation measures (Criteria A–D), Parties to the CBD have also in effect provided voluntary guidance about what constitutes effective area-based conservation measures (Criteria B–D). As such, while Criterion A is only relevant to OECMs, Criteria B–D can also be applied on a voluntary basis to protected areas.

Importantly, the criteria and guidance do not override the CBD or IUCN definitions of a protected area. Instead, we are able to draw on Decision 14/8 – together with broader guidance on protected areas and OECMs from the CBD (including the Akwé: Kon Voluntary Guidelines – CBD, 2004b), the IUCN and others – and apply it to areas, flexibly and with regard to their specific social-ecological contexts, so as to measure and evaluate their attributes and performance, identify aspects of governance and management in need of improvement, and celebrate success stories.

### IMPLICATIONS OF THE CBD VOLUNTARY GUIDANCE AND SCIENTIFIC AND TECHNICAL ADVICE

The possible application of Criteria B–D on effective area-based conservation measures to both OECMs and protected areas has several implications for all forms of conservation, including areas that are conserved *de facto* outside of these frameworks. In this context, we explore four key issues – good governance, conservation effectiveness, assessment and reporting – and then discuss some of the implications specifically for non-state actors, namely, Indigenous Peoples and/or local communities, and private landowners.

*Good governance and conservation effectiveness:* In line with broader international policy within the CBD and IUCN, Annexes II and III of Decision 14/8 recognise that good governance is an essential requirement for effective conservation and that protected areas and OECMs should be characterised by diverse, effective and equitable governance models (as ends in themselves). The recent trajectory of CBD guidance has been increasingly inclusive of diverse approaches to how areas are managed. We infer from

**Table 1. Criteria B to D of Section B, Annex III (CBD Decision 14/8: 12), provide guidance on effective area-based conservation measures**

<b>Criterion B: Area is governed and managed</b>	
<b>Geographically defined space</b>	<ul style="list-style-type: none"> <li>Size and area are described, including in three dimensions where necessary.</li> <li>Boundaries are geographically delineated.</li> </ul>
<b>Legitimate governance authorities</b>	<ul style="list-style-type: none"> <li>Governance has legitimate authority and is appropriate for achieving <i>in situ</i> conservation of biodiversity within the area.</li> <li>Governance by indigenous peoples and local communities is self-identified in accordance with national legislation and applicable international obligations.</li> <li>Governance reflects the equity considerations adopted in the Convention.</li> <li>Governance may be by a single authority and/or organization or through collaboration among relevant authorities and provides the ability to address threats collectively.</li> </ul>
<b>Managed</b>	<ul style="list-style-type: none"> <li>Managed in ways that achieve positive and sustained outcomes for the conservation of biological diversity.</li> <li>Relevant authorities and stakeholders are identified and involved in management.</li> <li>A management system is in place that contributes to sustaining the <i>in situ</i> conservation of biodiversity.</li> <li>Management is consistent with the ecosystem approach with the ability to adapt to achieve expected biodiversity conservation outcomes, including long-term outcomes, and including the ability to manage a new threat.</li> </ul>
<b>Criterion C: Achieves sustained and effective contribution to <i>in situ</i> conservation of biodiversity</b>	
<b>Effective</b>	<ul style="list-style-type: none"> <li>The area achieves, or is expected to achieve, positive and sustained outcomes for the <i>in situ</i> conservation of biodiversity.</li> <li>Threats, existing or reasonably anticipated ones are addressed effectively by preventing, significantly reducing or eliminating them, and by restoring degraded ecosystems.</li> <li>Mechanisms, such as policy frameworks and regulations, are in place to recognize and respond to new threats.</li> <li>To the extent relevant and possible, management inside and outside the other effective area-based conservation measure is integrated.</li> </ul>
<b>Sustained over long term</b>	<ul style="list-style-type: none"> <li>The other effective area-based conservation measures are in place for the long term or are likely to be.</li> <li>'Sustained' pertains to the continuity of governance and management and 'long term' pertains to the biodiversity outcome.</li> </ul>
<b><i>In situ</i> conservation of biological diversity</b>	<ul style="list-style-type: none"> <li>Recognition of other effective area-based conservation measures is expected to include the identification of the range of biodiversity attributes for which the site is considered important (e.g. communities of rare, threatened or endangered species, representative natural ecosystems, range restricted species, key biodiversity areas, areas providing critical ecosystem functions and services, areas for ecological connectivity).</li> </ul>
<b>Information and monitoring</b>	<ul style="list-style-type: none"> <li>Identification of other effective area-based conservation measures should, to the extent possible, document the known biodiversity attributes, as well as, where relevant, cultural and/or spiritual values, of the area and the governance and management in place as a baseline for assessing effectiveness.</li> <li>A monitoring system informs management on the effectiveness of measures with respect to biodiversity, including the health of ecosystems.</li> <li>Processes should be in place to evaluate the effectiveness of governance and management, including with respect to equity.</li> <li>General data of the area such as boundaries, aim and governance are available information.</li> </ul>
<b>Criterion D: Associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values</b>	
<b>Ecosystem functions and services</b>	<ul style="list-style-type: none"> <li>Ecosystem functions and services are supported, including those of importance to indigenous peoples and local communities, for other effective area-based conservation measures concerning their territories, taking into account interactions and trade-offs among ecosystem functions and services, with a view to ensuring positive biodiversity outcomes and equity.</li> <li>Management to enhance one particular ecosystem function or service does not impact negatively on the sites [sic] overall biological diversity.</li> </ul>
<b>Cultural, spiritual, socio-economic and other locally relevant values</b>	<ul style="list-style-type: none"> <li>Governance and management measures identify, respect and uphold the cultural, spiritual, socio-economic, and other locally relevant values of the area, where such values exist.</li> <li>Governance and management measures respect and uphold the knowledge, practices and institutions that are fundamental for the <i>in situ</i> conservation of biodiversity.</li> </ul>



this that Parties' emphasis on 'management systems' arises from the understanding that effective conservation can result from a diversity of approaches, including those applied by Indigenous Peoples, local communities and private entities, many of which are also imbued with cultural and spiritual values consistent with conservation (Verschuuren et al., 2021).

The CBD's guidance on what constitutes long-term, effective *in situ* conservation of biodiversity – set out in Criterion C of Annex III (see Table 1) – is an important new addition to existing guidance on management effectiveness (CBD, 2004a). Parties to the CBD also agree that 'effective' areas should be 'governed and managed in ways that achieve positive and sustained long term outcomes for the *in situ* conservation of biodiversity' (CBD, 2018: 12). Criterion C therefore underscores that the central indicator of effective area-based conservation is not area coverage, *per se*, but the areas' governance qualities, biodiversity values and conservation outcomes.

*Assessing and reporting equitable and effective area-based conservation:* Assessing and reporting on area-



Living midden site, Tasmanian Wilderness World Heritage Area (Australia), which covers 1.6 million hectares of temperate wilderness and Aboriginal heritage © Emma Lee

based conservation will likely continue to be an important, yet challenging, issue in the implementation of the post-2020 global biodiversity framework (Visconti et al., 2019; Geldmann et al., 2021). Reporting by national actors on Target 11, achieved via the World Databases on Protected Areas and OECMs, included some protected areas that are currently not effective, and/or do not meet the CBD's latest guidance on good governance and equity (Geldmann et al., 2019; Visconti et al., 2019; Zafra Calvo & Geldmann, 2020). In the context of the post-2020 global biodiversity framework, we suggest it may be useful to distinguish, on the one hand, between all the protected areas and OECMs reported under (future) Target 2 and, on the other, the subset that meet Criteria B–D and other standards set out in the CBD's guidance and advice in Decision 14/8. If applied, efforts should be made to ensure this approach is implemented in ways that catalyse action within systems or sites that do not yet meet the criteria, without placing undue criticism on them or undermining existing or future efforts. Any approach should be diagnostic and aimed at identifying ways in which a site can be improved and, ideally, promote the attainment of appropriate resources and support<sup>3</sup>. We anticipate that this may spur a welcome shift towards increasing tangible support for good governance, equity, effective management and conservation outcomes and promote increased reflection and learning at local levels.

One means to achieve this is by application of the IUCN Green List of Protected and Conserved Areas Standard (Hockings et al., 2019) as an international benchmark for what constitutes 'effectiveness'. The Green List Standard has four components – good governance, sound design and planning, effective management and successful conservation outcomes – and subsidiary criteria and indicators that also map closely to Criteria B–D in Decision 14/8. Importantly, the Green List Standard recognises that the fourth component ('successful conservation outcomes') is, to a large extent, dependent on achieving the first three. Further elaborating the alignment between the CBD's guidance and the Green List will further underscore its relevance to helping deliver global conservation targets.

The processes required to assess, monitor and report against the CBD's guidance and advice in Decision 14/8 will likely be resource intensive, and this issue has been acknowledged in relation to the Green List (Geldmann et al., 2021). Decision 14/8's guidance and advice should neither be used in ways that undermine an area's governance and management towards achieving conservation objectives, nor in ways that create perverse incentives or outcomes, such as de-gazettement of sites that temporarily do not meet the criteria (Mascia &

Pailler, 2011; Golden Kroner et al., 2019). It will therefore be important to balance the application of the CBD's guidance and advice between, on the one hand, objectivity, rigour and consistency and, on the other, inclusivity, simplicity and flexibility; incentivising ameliorative actions without burdening already overworked and underfunded governance and management authorities. While this balance will be negotiated at the national-to-local levels, international guidance can also assist in promoting good practice. Lessons learned from the Green List, tools such as Site-level Assessment of Governance and Equity (IIED, 2021) and related mechanisms (Franks et al., 2014; Booker & Franks, 2019), and initiatives such as Key Biodiversity Areas and Ecologically or Biologically Significant Marine Areas can usefully inform this work. Implementing Decision 14/8 presents an opportunity to promote diverse forms of area-based conservation that are based upon respect for human rights and holistically informed by evidence, thereby supporting diverse, effective and resilient conservation systems.

*Implications for Indigenous Peoples and/or local communities:* Indigenous Peoples' rights are clearly set out in human rights law (ILO Convention No. 169, 1989; UNDRIP, 2007) and, together with local communities, are recognised for their role in achieving the objectives of the convention (CBD, 1992, Articles 8(j) and 10(c); and numerous decisions since).<sup>4</sup> According to available data at the time of publication, 1,534 protected areas worldwide are recorded as being governed by Indigenous Peoples and/or local communities (UNEP-WCMC & IUCN, 2021). Included in this number are areas such as the Australian Indigenous Protected Areas Program (Rose, 2012; Davies et al., 2013), as well as many protected areas that directly benefit Indigenous Peoples and local communities. However, there is also documentation of the historical and ongoing negative impacts of establishment, governance and management of some protected areas on Indigenous Peoples and local communities and on the areas they conserve through their own self-determined systems, including physical harm, destruction of property and forced relocation (Lee, 2015; Tauli-Corpuz, 2016). For this reason, it is notable that Decision 14/8 references 'rights' or 'rights-holders'<sup>5</sup> a total of 30 times, compared to only two such references in the PoWPA (CBD, 2004a).<sup>6</sup> This illustrates the ever-increasing emphasis on human rights within conservation law, policy and practice, both as fundamental standards (ends) and as enabling conditions for effective area-based conservation (means). The emphasis within Decision 14/8 on rights, legitimate and equitable governance, cultural and spiritual values and knowledge, practices

and institutions affirms Indigenous Peoples' and local communities' long-held demands that these are respected and upheld in the context of conservation initiatives. State actors and business enterprises have the responsibility to protect and respect rights and remedy infringements (Ruggie, 2011) and these responsibilities extend to non-governmental organisations and funders engaged in conservation initiatives (Jonas et al., 2014b).

OECMs present an important additional means by which to recognise and support the diverse contributions of Indigenous Peoples' and local communities' territories and areas to nature conservation (IUCN-WCPA, 2019). We suggest that this is because OECMs, as a conceptual framework, is more analogous to a set of standards than a designation. If applied as a set of standards, it will more likely support existing governance arrangements, as required by Decision 14/8. The CBD guidance aligns with calls from Indigenous Peoples and local communities that they should first and foremost have their rights fully recognised, including substantive and procedural rights relating to self-determination and self-governance of their territories and areas. Only once this condition has been met should they be asked or invited to contribute to national or international biodiversity targets (Indigenous Circle of Experts, 2018). If achieved, this approach provides another opportunity in a broader suite of strategies for Indigenous Peoples and local communities to demonstrate that areas they manage conserve biodiversity in ways that also uphold their rights to self-determination (including to give or withhold FPIC) and self-governance, including use of their own languages, systems and practices such as Indigenous and local names. If used and applied with these considerations in mind, the guidance and advice in the annexes to Decision 14/8 could help promote plural, reflexive and restorative approaches that build – rather than constrain – conservation outcomes and enable a diversity of spaces, places and worldviews for *in situ* conservation to thrive.

Notwithstanding this potential, concerns remain that OECM-related advice could also be applied in ways that reinforce existing power structures and mirror the negative consequences of some protected areas, including the infringement of human rights (Jonas et al., 2017; Waithaka & Warigia Njoroge, 2018). It is therefore critically important that assessment methods and indicators are applied on the basis of FPIC and in ways that are culturally and contextually grounded (Hill et al., 2020). To this end they need either to be developed and undertaken by Indigenous Peoples and local communities or by those they have selected. In





Canadian Forces Base Shilo Landscape (Manitoba, Canada), was one of the world's first OECMs to be identified and reported. It conserves approximately 21,138 hectares of sand prairie habitat © Department of National Defense, Canada

light of the global importance of biodiversity conserved by Indigenous Peoples (Garnett et al., 2018; Fa et al., 2020; O'Bryan et al., 2020), the focus on human, territorial and natural resource rights in CBD Decision 14/8 is critically important at a time when, on the one hand, government agencies are exploring the expansion of their respective conservation estates and, on the other, industrial pressures continue to intensify.

*Implications for private landowners:* As considered above in relation to Indigenous Peoples and local communities, there exist similar kinds of opportunities and risks for private landowners, including that OECM-related frameworks and processes could be applied in ways that infringe upon their rights. Although a critical element of including privately-governed OECMs and privately protected areas (PPAs) in global databases is ensuring agreement from landholders is sought and given (Bingham et al., 2017; Mitchell et al., 2018; IUCN-WCPA, 2019), there are instances where this does not occur (Clements et al., 2018). New obligations with regards to CBD-defined monitoring requirements and assessments of equitable governance would need to be clearly and transparently outlined, agreed to and

progressively addressed by private landowners. There are currently 16,223 reported PPAs globally (UNEP-WCMC & IUCN, 2021) and many more that remain unreported (Fitzsimons, 2015; Bingham et al., 2017), and therefore such processes represent a sizeable task. There is a risk that any additional requirements for PPAs, on top of existing monitoring and reporting obligations, may dissuade future designation or recognition of PPAs or OECMs on private land, including due to other capacity limitations such as time or staff budget (e.g., Fitzsimons & Carr, 2014). Incentives for the creation, management and reporting of PPAs or OECMs on private land – including for jurisdictional contributions to CBD commitments – should be created or expanded (e.g., financial incentives: Smith et al., 2016), acknowledging differing motivations for establishing and participating in such schemes (Selinske et al., 2019).

*Implications for OECMs managed across different economic sectors:* OECMs represent a new opportunity to recognise biodiversity conservation potential from a wider range of spatial management measures than ever before, particularly those managed by actors operating



across a range of economic sectors. There is now a clear opportunity for the uptake of the CBD criteria discussed here by sectoral actors, to better ensure that biodiversity conservation is an outcome of their management of lands, inland waters, coasts and marine areas. Progress in this regard is highly relevant to reconciling biodiversity conservation and sustainable development goals.

### CONSERVED AREAS

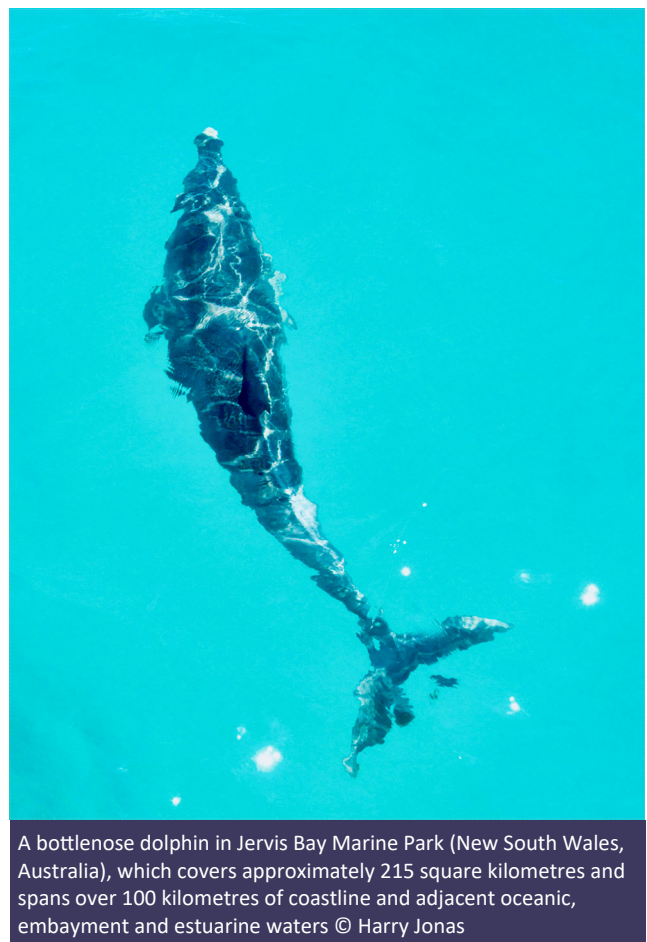
Decision 14/8 uses the term ‘conserved areas’ 19 times and it also appears in several other prominent international policy documents (e.g., IUCN, 2014, 2016). Yet in every instance it is used in the absence of clarity about its meaning. Several publications suggest definitions for ‘conserved areas’ that could help address this issue (Borrini-Feyerabend & Hill, 2015; IUCN, WCPA & ASI, 2019; Jonas & Jonas, 2019). Of these, however, only one links ecological outcomes with governance and management (IUCN, WCPA & ASI, 2019). In light of Decision 14/8, we propose an additional approach for consideration; namely, that the term ‘conserved areas’ be used to refer to areas that align broadly with the CBD’s guidance and advice on good governance and effective area-based conservation. ‘Conserved areas’ would refer to, but not be limited to, protected areas and OECMs that are equitably governed and achieve long-term conservation outcomes (including ecosystem functions). The simplicity and accessibility of this formulation may render the term ‘conserved area’ useful to a wide range of groups who are working to engage, animate and inspire people about equitable and effective conservation, in ways that the use of more technical terms fails to achieve. We recommend that this issue should be further considered through an inclusive process.

### TOWARDS A CONSERVED AREAS PARADIGM

CBD Decision 14/8 represents a new high-water mark for international law and policy on protected areas and OECMs. It underscores that conservation initiatives should be founded on respect for human rights, good governance, effective management and long-term biodiversity outcomes, and be inclusive of diverse contributions to conservation within and beyond protected areas. This is especially important given that urgent, equitable and effective action is required to stem the loss of biodiversity, restore degraded ecosystems, improve ecosystem resilience and address climate change, including in relation to social inequalities (IPCC, 2014; IPBES, 2019).

In closing, we are compelled to ask: what does Decision 14/8 represent in the context of the evolution of equitable and effective conservation? Broadly put, from

2001–2009, international biodiversity law and policy embraced human rights and equity through the IUCN Vth World Parks Congress (IUCN, 2003) and the PoWPA (CBD, 2004a). Furthermore, the ‘new paradigm for protected areas’ (Phillips, 2003) emerged as governance was expanded to include Indigenous Peoples and local communities as legitimate governance authorities, in addition to state and private actors, under all management types (Borrini-Feyerabend et al., 2006; Dudley, 2008). From 2010–2017, guidance was developed to help implement the new paradigm, focusing on territories and areas conserved by Indigenous Peoples and local communities (Borrini-Feyerabend et al., 2013a, 2013b; Kothari et al., 2012; Jonas, 2017) and PPAs (Stolton et al., 2014; Mitchell et al., 2018), and the groundwork was laid for significantly expanding area-based conservation to encompass ‘other effective area-based conservation measures’ (CBD, 2010, 2018). In 2018, CBD Decision 14/8’s engagement with good governance and conservation effectiveness provides increased focus on these twin goals across protected areas and OECMs. Decision 14/8 also marks a critical step forward for the recognition of the role of



A bottlenose dolphin in Jervis Bay Marine Park (New South Wales, Australia), which covers approximately 215 square kilometres and spans over 100 kilometres of coastline and adjacent oceanic, embayment and estuarine waters © Harry Jonas

actors operating across different economic sectors in international area-based conservation.

In sum, over the past twenty years the international law and policy of area-based conservation has evolved from a model largely dominated by state-governed protected areas to one that is more inclusive of non-state actors and efforts occurring beyond protected areas, more explicit about its recognition of and support for diverse, effective and equitable forms of governance, and increasingly focused on effective and long-term *in situ* conservation outcomes. The guidance and advice provided by the Parties to the CBD in Decision 14/8 represents a meaningful contribution to the transformative changes required to address our current interconnected planetary crises (IPBES, 2019; CBD, 2020). Giving rise to the new conserved areas paradigm – in effect, fusing the conservation and sustainable use of biodiversity and ecosystem services with recognition of human rights and cultural and spiritual values – can become a unifying project and common cause for building alliances for the future of our planet.

## ENDNOTES

<sup>1</sup>While the general rule is that an area should deliver effective conservation outcomes, the guidance also states that an area should “deliver, or be expected to deliver, ...”. This issue will be dealt with in a follow-up paper.

<sup>2</sup>Notably, some aspects of Decision 14/8 are inconsistent.

<sup>3</sup>There is precedent for this type of review, as the Paris Agreement Committee on Compliance, operationalised in 2019, can receive complaints regarding State compliance.

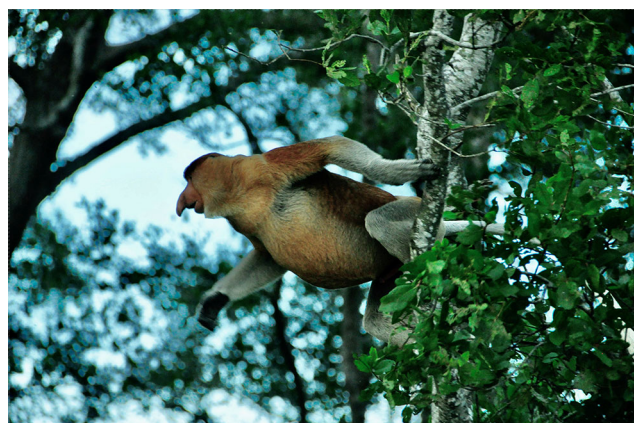
<sup>4</sup>‘Indigenous Peoples’ and ‘local communities’ are two groups with distinct foundations for their rights. In addition, peasants’ rights are set out in the UN Declaration on the Rights of Peasants and other People Working in Rural Areas (2018) but are not discussed in this paper.

<sup>5</sup>In the context of protected areas, ‘rights holders’ are actors with legal or customary rights to natural resources and land, in accordance with national legislation (CBD, 2018).

<sup>6</sup>The outcome is testament to the work of the International Indigenous Forum on Biodiversity (<https://iifb-fiib.org/>) in collaboration with supporting organisations and Parties under the auspices of the CBD.

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A proboscis monkey in a riparian reserve governed by an oil palm company, which is a potential OECM, in the Lower-Kinabatangan Segama Wetlands Ramsar Site (Sabah, Malaysia) © Harry Jonas

Burgess, Jorge Cabrera, Stuart Campbell, Joachim Claudet, Courtney Cox, Cristina Eghenter, Eli Enns, Whitney Friedman, Ashish Kothari, Kathy MacKinnon, Imen Meliane, Brent Mitchell, Elisa Morgera, Judy Oglethorpe, Andrew Paul, Adrian Phillips, Melina Sakiyama, Trevor Sandwith, Estradivari Sant, Sue Stolton, Sefa Tauli, Christina Voigt, Amelia Wenger, Stephen Woodley, the Editor of PARKS as well as three anonymous reviewers. Julia E. Fa was funded by the US Agency for International Development as part of the Bushmeat Research Initiative of the CGIAR research programme on Forests, Trees and Agroforestry.

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## RESUMEN

En 2018, las Partes del Convenio sobre la Diversidad Biológica (CDB) adoptaron una decisión sobre las áreas protegidas y otras medidas efectivas de conservación basadas en áreas (OMEC). Contiene la definición de una OMEC y el asesoramiento científico y técnico que ha ampliado el alcance de las autoridades encargadas de la gobernanza y las esferas que pueden ser integradas y reconocidas en los esfuerzos de conservación mundial. Las orientaciones voluntarias sobre las OMEC y las áreas protegidas, también incluidas en la decisión, promueven el uso de modelos de gobernanza diversos, efectivos y equitativos, la integración de las áreas protegidas y las OMEC en paisajes terrestres y marinos más amplios, y la incorporación de la conservación de la biodiversidad en todos los sectores. En su conjunto, el asesoramiento y las orientaciones voluntarias aportan una mayor claridad sobre la comprensión de las Partes del CDB de lo que constituyen las medidas de conservación equitativas y efectivas basadas en áreas, dentro y fuera de las áreas protegidas, y proporcionan criterios estandarizados para medir e informar sobre los atributos y el desempeño de las áreas. Esta perspectiva política sugiere que esta decisión del CDB representa una prueba más de la evolución del "nuevo paradigma para las áreas protegidas" hacia un "paradigma más amplio para las áreas conservadas", que refleja buena gobernanza, equidad y resultados eficaces en materia de conservación, y que incluye una diversidad de contribuciones a la conservación dentro y fuera de las áreas protegidas.

## RÉSUMÉ

En 2018, les parties à la Convention sur la diversité biologique (CDB) ont adopté une décision sur les aires protégées et les autres mesures de conservation efficaces par zone (AMCE). Il donne la définition des AMCE ainsi que des avis scientifiques et techniques connexes, permettant d'élargir le champ d'action des autorités de gouvernance et des régions qui pourront être engagés et reconnus dans les efforts mondiaux de conservation. Les directives de nature volontaire des AMCE et les aires protégées, également incluses dans la décision, favorisent l'utilisation de modèles de gouvernance diversifiés, efficaces et équitables, l'intégration des aires protégées et des AMCE dans les paysages terrestres et marins plus larges, et l'intégration de la conservation de la biodiversité dans tous les secteurs. Pris dans leur ensemble, les conseils et les orientations volontaires clarifient davantage l'interprétation des parties à la CDB sur ce qui constitue des mesures de conservation par zone équitables et efficaces à l'intérieur et au-delà des aires protégées, et fournissent des critères normalisés permettant de mesurer et de rendre compte des attributs et de la performance des aires. Cette perspective politique suggère que la décision de la CDB représente une preuve supplémentaire de l'évolution du « nouveau paradigme des aires protégées » vers un « paradigme des aires conservées » plus large, qui incarne la bonne gouvernance, l'équité et des résultats de conservation efficaces, et comprend une diversité de contributions à la conservation tant à l'intérieur qu'au-delà des aires protégées.